

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Blanche M. Manning	Sitting Judge if Other than Assigned Judge	Geraldine Soat Brown
CASE NUMBER	10 C 2116	DATE	8/31/11
CASE TITLE	Walti v. Toys R Us, Inc. et al		

DOCKET ENTRY TEXT

Status hearing held and continued to 10/20/11 at 9:45 a.m. Motion hearing held. For the reasons set out in the Memorandum Opinion and Order, the motion of defendant Toys R Us to compel examination of plaintiff pursuant to Federal Rule of Civil Procedure 35 [107] is granted. Plaintiff John Walti is ordered to submit to an examination pursuant to Federal Rule of Civil Procedure 35 as set out below. Plaintiff's Motion for a Protective Order [115] was considered by the court in determining the scope of the examination, and therefore is denied as moot. Defendant Toys R Us' motion for leave to file response instanter [121] is granted. Enter Memorandum Opinion and Order.

■[For further details see text below and separate order.]

Notices mailed by Judicial staff.

*Copy to judge/magistrate judge.

00:30

STATEMENT

Upon consideration of Defendant Toys R Us's Motion to Compel Rule 35 Examination, the Court grants the Motion, and orders the following:

1. Plaintiff John Walti ("Plaintiff") shall submit to an examination pursuant to Federal Rule of Civil Procedure 35 ("Examination") administered by Dr. Beth N. Rom-Rymer, Ph.D., FICCP.
2. The Examination shall be conducted at Dr. Rom-Rymer's Chicago, Illinois offices, located at 2835 North Sheffield Avenue, Suite 203, Chicago, Illinois 60657.
3. The parties agree that the Examination shall include the Clinician-Administered PTSD Scale (CAPS).
4. The Examination shall also consist of the following forensic and psychological tests:
 - i. Personality Assessment Inventory (PAI);
 - ii. Revised Hamilton Rating Scale for Depression (RHRSD);
 - iii. Tennessee Self-Concept Scale: Second Edition (TSCS: 2);

STATEMENT

- iv. Rorschach Psychodiagnostic Test; and
 - v. Comprehensive Test of Nonverbal Intelligence, Second Edition (CTONI2) and/or the Wechsler Adult Intelligence Scale - Third Addition (WAISIII); provided, however, that only one complete intelligence test shall be administered; if Plaintiff completes one test, the second shall not be administered, but if Plaintiff cannot complete the first test, the second may be administered.
5. The parties agree that the Examination will also include a forensic interview component, separate and apart from the psychological testing that Dr. Rom-Rymer conducts.
6. The Examination will take place until all testing prescribed by Dr. Rom-Rymer, as well as the complete forensic interview of Plaintiff, is complete, but for no longer than twelve (12) hours.
7. The Examination shall be conducted in increments, such that the testing and forensic interview shall occur for a period of three hours at a time over the course of four days; provided, however, that the parties may agree to another schedule.
8. The number of hours here described applies to the actual time devoted to the forensic testing and interviewing only; to the extent that Plaintiff needs to take a break for any reason, such time will not be counted against the time allotted for testing.
9. The parties agree that the Examination will be videotaped with the camera trained on Plaintiff and provided that the actual tests are not captured by the camera, due to intellectual property concerns.
10. The parties further agree that the Examination shall be conducted within 30 days of the date of this Order.